

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-13 are pending in the application, with Claims 1, 4, 12 and 13 being the independent claims.

The Examiner rejected Claims 1-10, 12 and 13 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0065986 to *Fraenkel et al.* (hereinafter, *Fraenkel*). Applicants acknowledge the indication of allowable subject matter in Claim 11.

Regarding the §102(e) rejection of Claims 1-10, 12 and 13, the Examiner contends that each element of the claims is taught or suggested by *Fraenkel*. *Fraenkel* discloses software tools and services for testing, monitoring and analyzing the operation of web-based and other transaction services.

Claim 1 has been amended to more clearly recite the subject matter of the present invention. Specifically, amended Claim 1 recites a method of computing response time of a web server. A plurality of correlation tags are placed in data at networking and application layers during networking and application processing at the web server. The tags allow for later identification of the data. The networking and application data are collected from the networking and application layers of the web server at a correlation engine in the web server. A plurality of data corresponding to a single web event is identified using the correlation tags at the correlation engine in the web server. The data corresponding to the single web event from the networking and application layers is combined into a metric at the correlation engine in the web server. Client perceived response time of the single web event is calculated using the metric at the correlation engine in the web server.

Fraenkel describes an agent that executes a test case on a transactional server while monitoring performance parameters. However, *Fraenkel* fails to provide any disclosure relating

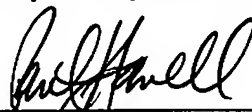
to monitoring within the transactional server. Specifically, *Fraenkel* fails to disclose the placement of correlation tags in data at networking and application layers during networking and application processing at the web server, as recited in amended Claim 1. Further, *Fraenkel* fails to disclose a correlation engine in the web server that collects the data and identifies data corresponding to a single web event, as recited in amended Claim 1. Further *Fraenkel* fails to disclose that client perceived response time of the single web event is calculated at the correlation engine in the web server, as recited in amended Claim 1. Therefore, amended Claim 1 is patentable over *Fraenkel*.

The Examiner also rejected independent Claims 4, 12 and 13 under 35 U.S.C. §102(e). Claims 4, 12 and 13 have been amended in a manner similar to that of Claim 1. In view of the above, Claims 4, 12 and 13 are also patentable over *Fraenkel*.

Regarding Claims 2, 3, and 5-10, while not conceding the patentability of the dependent claims, *per se*, Claims 2, 3 and 5-10 are also patentable for at least the above reasons. Accordingly, Applicants assert that Claims 1-10, 12 and 13 are allowable over *Fraenkel*, and the rejection under 35 U.S.C. §102(e) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 1-13 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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